

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:
THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,
as representative of
THE COMMONWEALTH OF PUERTO RICO, *et
al.*,
Debtors.¹

PROMESA
Title III
No. 17 BK 3283-LTS
(Jointly Administered)
**This filing relates to the
Commonwealth and ERS.**

**REPLY OF THE COMMONWEALTH OF PUERTO RICO AND THE EMPLOYEES
RETIREMENT SYSTEM OF THE GOVERNMENT OF THE COMMONWEALTH OF
PUERTO RICO TO RESPONSE FILED BY LUIS MARCANO GARCÍA [ECF NO.
17493] TO THREE HUNDRED FORTY-NINTH OMNIBUS OBJECTION (NON-
SUBSTANTIVE) TO DUPLICATE LITIGATION CLAIMS**

To the Honorable United States District Judge Laura Taylor Swain:

The Commonwealth of Puerto Rico (the “Commonwealth”) and the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS,” and together with the Commonwealth, the “Debtors”), by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the sole Title III representative of the Debtors pursuant

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the “Commonwealth”) (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (vi) Puerto Rico Public Buildings Authority (“PBA”, and together with the Commonwealth, COFINA, HTA, ERS, and PREPA, the “Debtors”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),² file this reply (the “Reply”) to the untitled response [ECF No. 17493] (the “Response”) filed by Luis E. Marcano García (“Marcano García”), and in support of the *Three Hundred Forty-Ninth Omnibus Objection (Non-Substantive) of the Commonwealth of Puerto Rico and the Employees Retirement System of the Government of the Commonwealth of Puerto Rico to Duplicate Litigation Claims* [ECF No. 17092] (the “Three Hundred Forty-Ninth Omnibus Objection”). In support of this Reply, the Debtors respectfully represent as follows:

1. On June 18, 2021, the Debtors filed the Three Hundred Forty-Ninth Omnibus Objection seeking to disallow certain duplicative proofs of claim (the “Claims to Be Disallowed”). As set forth in the Three Hundred Forty-Ninth Omnibus Objection, each of the Claims to Be Disallowed purports to assert the same liabilities as those asserted in the master claims or verified statements filed on behalf of all plaintiffs in the litigation captioned *Madeline Acevedo Camacho et al. v. Puerto Rico Department of Family Affairs*, No. 2016-05-1340 (the “Acevedo Camacho Master Claims”). Each of the Claims to Be Disallowed was filed by one of the individual plaintiffs in the litigation asserted by the Acevedo Camacho Master Claims, as identified in the supporting documentation provided with the Acevedo Camacho Master Claims or the verified statement filed by the attorney representing all claimants in the litigation. Further, none of the Claims to Be Disallowed asserts any additional liabilities or bases for liability beyond what is included in the Acevedo Camacho Master Claims. Accordingly, the Claims to Be Disallowed are duplicative of the Acevedo Camacho Master Claims.

2. Any party who disputed the Three Hundred Forty-Ninth Omnibus Objection was required to file a response by 4:00 p.m. (Atlantic Standard Time) on July 19, 2021, in accordance

² PROMESA is codified at 48 U.S.C. §§ 2101-2241.

with the Court-approved notice attached to the Three Hundred Forty-Ninth Omnibus Objection as Exhibit C, which was served in English and Spanish on the individual creditors subject to the Three Hundred Forty-Ninth Omnibus Objection, the U.S. Trustee, and the Master Service List (as defined in the *Fifteenth Amended Case Management Order* [ECF No. 17127-1]).

3. On May 22, 2018, Marcano García filed a proof of claim against the Commonwealth, which was logged by Prime Clerk as Proof of Claim No. 26027 (the “Claim”). The Claim asserts liabilities in the amount of \$30,000.00, purportedly arising from a multi-plaintiff litigation captioned *Madeline Acevedo Camacho et al. v. Puerto Rico Department of Family Affairs*, No. 2016-05-1340 (the “Acevedo Camacho Litigation”). As supporting documentation, the Claim attaches a resolution issued by the Public Service Appellate Commission in the Acevedo Camacho Litigation.

4. The Response was filed on July 22, 2021. The Response does not address the Debtors’ contention that the Claim is duplicative of the Acevedo Camacho Master Claims. Rather, the Claimant states: “[t]he reason for my claim against the employees’ retirement system is that the Government of Puerto Rico used my contributions to the retirement system without obtaining authorization or submitting a formal request, including for payments to its creditors.” Response at 1. Accordingly, the Response “very respectfully request[s] to the Court that this money be returned.” *Id.* As supporting documentation, the Response attaches, among other things, a copy of the Claim, copies of two other claims filed by Marcano Garcia, Proofs of Claim Nos. 28177 and 27812, certain pages from the Three Hundred Forty-Ninth Omnibus Objection, and certifications of retirement account balances from ERS.

5. Accordingly, because the Response does not dispute that the liabilities asserted in the Claim are duplicative of the liabilities asserted by the Acevedo Camacho Master Claims, the

Debtors respectfully request that the Court grant the Three Hundred Forty-Ninth Omnibus Objection, notwithstanding the Response.

Dated: January 5, 2022
San Juan, Puerto Rico

Respectfully submitted,

/s/ Hermann D. Bauer

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